

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

|                           |   |                        |
|---------------------------|---|------------------------|
| UNITED STATES OF AMERICA, | : | Crim. No. 23cr674 (KM) |
| v.                        | : | <b>O R D E R</b>       |
| MALVIN PENA               | : |                        |
| Defendant.                | : |                        |

This matter having come before the Court on the Report and Recommendation of the United States Magistrate Judge filed in this matter, which was submitted as a result of this Court having referred this cause to the Magistrate Judge for the purpose of conducting a plea proceeding under Fed. R. Crim. P. 11; and the defendant having consented to the Magistrate Judge conducting the guilty plea proceeding; and the Court having reviewed the Report and Recommendation, as well as the transcript of the proceedings on August 18, 2023 and there being no objection to the Report and Recommendation timely filed pursuant to 28 U.S.C. 636(b); and the Court finding the Report and Recommendation is neither clearly erroneous nor contrary to law; and the Court hereby finding that the Report and Recommendation should be approved and adopted and the defendant's guilty plea accepted,

**IT IS ON THIS** 12th day of September, 2023,

**ORDERED** that the Report and Recommendation of the United States Magistrate Judge is approved and adopted; and

**IT IS FURTHER ORDERED** that the defendant's guilty plea is accepted and a judgment of guilt to Count of the Information shall be entered.

s/ Kevin McNulty  
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HON. KEVIN MCNULTY  
UNITED STATES DISTRICT JUDGE